

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.	09/785,700	Confirmation No.	4280
Applicant	Szabo, et al.		
Filed	February 16, 2001		
TC/A.U.	3622		
Examiner	LASTRA, DANIEL		
Docket No.	6169-156		
IBM Docket No.	BOC9-2000-0017		

## DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Robert M. Szabo, a citizen of the United States, residing in Boca Raton, Florida, hereby declare and state as follows:

1. I was employed by International Business Machines Corporation (IBM) of Armonk, New York, at the time the above-identified application was conceived. I make this declaration in support the above-identified application.
2. IBM invests substantial time and effort into the research, development, and marketing of their products, and in an effort to protect its rights in all new inventions, IBM requests that all employees prepare and submit confidential Invention Disclosure Forms upon conception by the inventor(s).
3. As a named co-inventor for this invention, I and my co-inventor, James J. Toohey, prepared and submitted the attached Invention Disclosure No. BOC8-2000-0027 pursuant to the IBM guidelines. The disclosure describes concepts of the invention that I and my co-inventor devised during February of 2000 and which were initially described in an entry to my notebook made on February 8, 2000.
4. IBM Confidential Invention Disclosure BOC8-2000-0027 was originally submitted for consideration to an IBM Attorney/Patent Professional for preparation of a patent application on March 20, 2000, and insubstantially modified on April 13, 2000. Consistent with the internal procedures governing the use of such disclosures, the portion of the disclosure describing the actual invention itself was in no way modified after being submitted on March 20,

(WPI473361)

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2000. The disclosure represents a fully conceived and workable invention as written. I reviewed the claims of the above-designated patent application prior to submission of the application to assure the claimed invention was fully supported by the disclosure in light of the invention disclosure and art known at the time of the disclosure.

5. Following the submission of Invention Disclosure No. BOE-2000-0027, I diligently worked with IBM Attorney/Patent Professionals and outside counsel to prepare and file the above-designated patent application. During the period from at least as early as March 20, 2000, to the filing of the above-identified application on February 16, 2001, I reviewed various documents and provided input needed for preparing the application, including reviewing and providing comments on drafts of the application prepared by outside counsel.

6. I make this Declaration to establish that my co-inventors and I conceived of the present invention at least as early as March 20, 2000, and exercised due diligence from that date to February 16, 2001, the filing date of the above-identified patent application.

7. I further declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the above-identified patent application or any patent issuing thereon.

Robert M. Szabo  
Robert M. Szabo

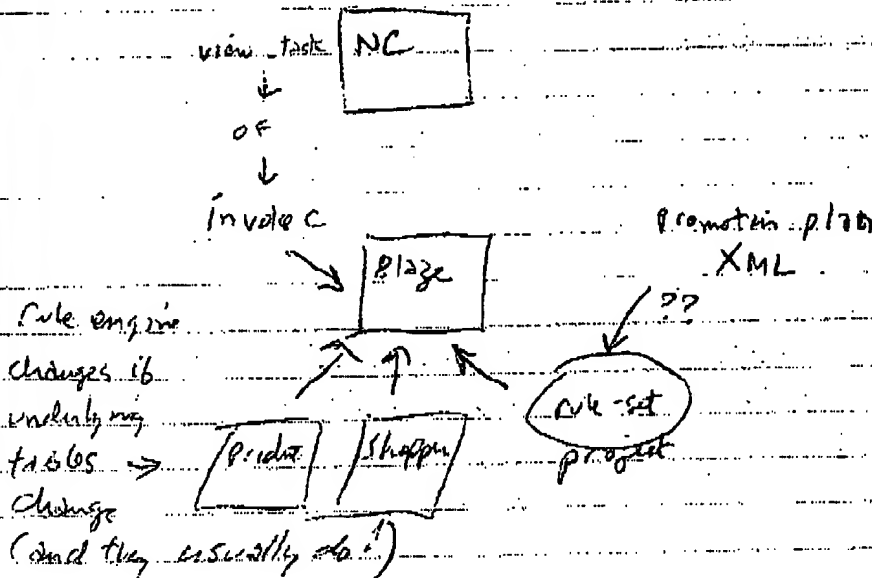
Date: 11-6-2006

(WP347338.1)

1-27-96 Phone 522/4354  
817-962-4354

2-8-2000 NC | Java - product display  
C++ catalog display

Personalization



Validate NC

Siebel CRM

Toronto IBM  
@IBMCA

NC

System

Managers ~~Managers~~ CAPPA - NC Toronto Test  
416-448-2746

Retail TR has XML proposal for CRM output  
(previous definition) John Turner

International Business Machines Corporation

P.O. Box 1328  
Boca Raton, Florida 33429-1328  
407/443-2200

*6169-156*

*to be filed  
On or before 10/4/00*

April 14, 2000

Quarles & Brady  
222 Lakeview Avenue  
Fourth Floor  
Post Office 3188  
West Palm Beach, FL 33402-3188

REF: Invention Disclosure: BOC8-2000-0027  
Title: METHOD AND APPARATUS TO STIMULATE SHOPPING  
IBM Docket: BOC9-2000-0017

Dear Steve,

Please prepare and file the above referenced case with the U. S. Patent and Trademark Office. A copy of the invention disclosure and technical evaluation are enclosed for your use in preparing the application in accordance with IBM's format.

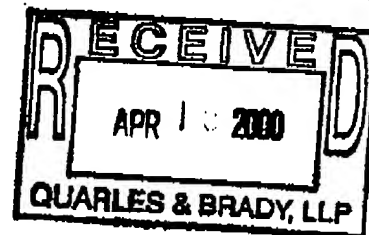
Thank you for your assistance in this matter.

Sincerely,

*Richard A. Tomlin*

Richard A. Tomlin  
Consulting Attorney

Enclosures



**AKERMAN SENTERFITT**  
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January 6, 2001

Robert M. Szabo  
IBM Corporation  
6301 NW 5th Way  
Ft. Lauderdale, FL 33309-6186**Re: New Patent Application  
METHOD AND APPARATUS FOR STIMULATING COMMERCE  
IBM Docket: BOC9-2000-0017; Our Ref: 6169-156**

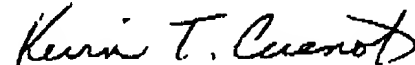
Dear Robert:

Enclosed please find a draft of a patent application for the above-identified matter. Please review it carefully to ensure that the description of the invention accurately recites all of the invention's characteristics in the broadest possible manner, while also explaining, in detail, the preferred embodiment of the invention. The drawings should also be reviewed to confirm that they accurately depict the various details of the invention as you understand them. Finally, please read through the numbered claims at the end of the application. The claims will define the scope of protection any patent issuing from this application will provide. Accordingly, you should review them to ensure that they do not unduly restrict the scope of the invention by including any unnecessary detail. After you have reviewed the application with James Toohey, please call me with any comments you may have.

Please recall that patent applicants have a duty to disclose to the United States Patent Office all reasonably pertinent prior art of which they are aware. Failure to do so can jeopardize the validity of any patent issuing from an application. Accordingly, should you become aware of such references at any time during the pendency of this application, please let us know.

Very truly yours,

AKERMAN SENTERFITT



Kevin T. Cuenot

KTC/kmw  
Enclosure

D1005004;1

AKERMAN, SENTERFITT &amp; EIDSON, P.A.

Kevin T. Cuenot - Method and Apparatus for Stimulating Commerce IBM Docket: BOC9-2000-0017; AS

From: "Bob Szabo" <rszabo@us.ibm.com>  
To: <KCuenot@Akerman.com>  
Date: 1/29/01 1:44AM  
Subject: Method and Apparatus for Stimulating Commerce IBM Docket: BOC9-2000-0017; AS  
Ref: 6169-156

Kevin:

The first draft looked pretty good. Since I will be traveling all this week, I thought I would send you our comments instead. If you have any questions, please contact me via e-mail or phone mail. Please find our comments and questions below. We look forward to the next revision.

Bob

R. M. Szabo, Ph.D.  
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Bob Szabo/Fort Lauderdale/IBM  
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#### Corrections

- ✓page 2, line 8: "This invention relates to the field information management" should read "This invention relates to the field of information management"
- ✓page 5, line 12: "The inventive method taught herein can begin establishing a computer ..." should read "The inventive method taught herein can begin by establishing a computer ..."
- ✓page 8: The list of figures is incorrect and incomplete. Fig. 2 should be Fig. 3. Fig. 3 should be Fig. 4. Fig. 2 is missing. It should read something like this: Fig. 2 is a schematic diagram depicting an exemplary commerce stimulating system in conjunction with exemplary merchant systems and delivery systems. We modeled this 'title' after the text on page 14, line 17.
- ✓page 9, line 13: "... upgrade product." should read "... upgraded product".
- ✓page 21, line 3, 7, 10, "Fig. 3" should read "Fig. 4". This is related to the correction described in #3 above.
- ✓page 26, line 1: "The method of claim 1, wherein ..." should have a space after the comma for consistency with the rest of the claims.
- ✓page 26, line 5: "The method of claim 1, wherein ..." should have a space after the comma for consistency with the rest of the claims.
- ✓Fig. 2: The flow of information between 220 and 230 to 260 is in both directions. As such, we need arrow heads pointing from 260 into 220 and 230.

#### Questions/Comments

- 1 ? page 6, line 8 and line 11: Should we be using the definitive word 'is' rather than the phrase 'can be'?
- 2 ? page 7, line 1: Should we be using the definitive word 'is' rather than the phrase 'can be'?
- 3 page 6, line 13. The idea that the shopping stimulator logic can detect

Kevin T. Cuenot - Method and Apparatus for Stimulating Consumer Demand

business necessities and match that need to consumers actually needing the product is the key idea in this invention. Shouldn't we expand on this thought? See related comments on page 21 and 22.

- 4 page 12, line 15-16: Should the phrase on line 15, "consumer purchase information", be "product information" instead? Similarly, on line 16, should the phrase "consumer purchase information" be "product information" instead? If not, perhaps we should split this paragraph into two. One that talks about the product information and one that talks about the consumer purchase information.
  - 5 page 12, line 13: You suggest that product information can be collected when the user clicks on an icon. While this is true for most products, certain perishable products will require the system to capture the expiration date or useful life at fulfillment. We think this should be clarified.
  - 6 page 21, line 3-4: We need to clarify why the merchant has requested certain consumers to be provided with promotional material.
  - 7 page 22, line 14: "For example, the merchant can request that the CSS can identify one or more consumers in need of bread." We think we need to clarify why the merchant would want to do this. The reason is to stimulate shopping of a particular product/service that the merchant wants to move for whatever reason. For example, the merchant's inventory of that item is close to expiration. Or, the merchant may need the warehouse space occupied by that product.
  - 8 page 25, Claim 1: Should we have more claims describing what comprises the remote computer system mentioned in Claim 1? Similarly, should we have more claims describing the nature of the merchant system. For example, the in store db, on-line db, Point of Sale system, etc.
  - 9 page 25, Claim 3: This claim seems to describe human initiated demands to match consumers with promotions for whatever reason. As this is our key idea (see question 3 above), should this be part of Claim 1?
  - 10 page 25, Claim 4: This claim seems to describe machine initiated demands to match consumers with promotions for whatever reason. As this is our key idea (see question 3 above), should this be part of Claim 1?
  - 11 page 27, Claim 10: Should this 'system' claim mirror the method Claim 1?
  - 12 page 28, Claim 16: Should this 'machine readable storage' claim mirror the method Claim 1?
- page 30, Abstract: This seems to miss the reason why you do the stuff described. For example, a merchant has excess inventory of product A. The system will find users of product A that are in need of replenishment as the product A they last purchased has expired or exceeded its useful life.
- Fig. 1 - 4: Why are there no titles on the four figures?

CC:

"Jim Toohey" &lt;jjtoohy@us.ibm.com&gt;

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